

REMARKS**I. INTRODUCTION**

Claims 1, 3-11 and 15-16 have been amended. Claims 2 and 12-14 have been canceled. No new matter has been added. Thus, claims 1, 3-11 and 15-17 are pending in this application. It is respectfully submitted that based on the above amendments and the following remarks that all of the presently pending claims are in condition for allowance.

II. THE OBJECTION TO THE INFORMATION DISCLOSURE STATEMENT SHOULD BE WITHDRAWN

The Examiner did not consider the Information Disclosure Statement because the listing of references did not comply with 37 C.F.R. 1.98. (See 6/20/06 Office Action, p. 2). The Examiner states that to conform to 37 CFR 1.98, copies of the patents, publications, applications, or other information along with a list must be submitted. A form PTO-1449 is attached herewith providing a list of references. In addition, copies of foreign patent publications WO 01/69518 and WO 01/99109 are attached herewith. Applicants note that a copy of foreign patent publication WO 03/83859 references listed under "Other Documents" have been previously submitted as they are listed on USPTO's PAIR system.

III. THE 35 U.S.C. § 101 REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 1-14 under 35 U.S.C. § 101 as unpatentable because the claimed invention is directed to non-statutory subject matter. (See 6/20/06 Office Action, p. 3). Specifically, claims 1-14 lack a useful, concrete, and tangible result. Claim 1 has been amended to recite a "computer readable storage medium including a set of instructions executable by a processor." Thus, it is respectfully requested that the Examiner should withdraw the 35 U.S.C. § 101 rejection of claim 1. Because claims 3-11 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also

allowable. Claims 12-14 have been canceled making the 35 U.S.C. § 101 rejections for these claims moot.

IV. THE 35 U.S.C. § 102(a) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 1, 3, 6, 12-14, and 15-17 under 35 U.S.C. § 102(a) as unpatentable over Lemma et al., “A Robustness and Audibility Analysis of a Temporal Envelope Modulating Audio Watermark,” IEEE, 2002 (“Lemma”). (See 6/20/06 Office Action, pp. 3-4).

The Examiner correctly states that the subject matter of claim 2 is allowable over the prior art of record. (See 6/20/06 Office Action, p. 4, l. 22). The recitation of claim 2 has been incorporated into claim 1. As amended, claim 1 recites “forming an estimate of a correctly time scaled sequence of the symbols by interpolating the values of said initial estimate, wherein the forming step is repeated to provide a range of estimates corresponding to different time scalings.” Thus, it is respectfully submitted that claim 1 is allowable. Accordingly, it is respectfully requested that the Examiner should withdraw the 35 U.S.C. § 102(a) rejection of claim 1. Because claims 3-11 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 15 also incorporates the recitation of claim 2. As amended, claim 15 recites “an interpolator arranged to form an estimate of a correctly time scaled sequence of the symbols by interpolating the values of said initial estimate, the interpolator repeating the forming to provide a range of estimates corresponding to different time scalings.” Thus, it is respectfully submitted that claim 15 is also allowable. Accordingly, it is respectfully requested that the Examiner should withdraw the 35 U.S.C. § 102(a) rejection of claim 15. Because claim 16 depends from and, therefore, includes all the limitations of claim 15, it is respectfully submitted that this claim is also allowable.

Claim 17 recites a “decoder comprising the apparatus as claimed in claim 15.” Thus, it is respectfully submitted that claim 17 is also allowable. Accordingly, it is respectfully submitted that the Examiner should withdraw the 35 U.S.C. § 102(a) rejection of claim 17.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

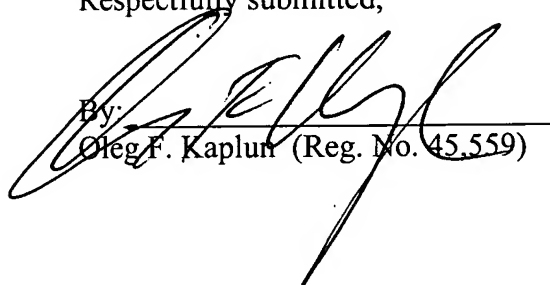
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